In the High Court of Punjab and Haryana at Chandigarh.

Civil Writ Petition No.9688 of 2007.

Date of decision:5.7.2007.

S. S. Sodhi.

...Petitioner

Versus

Haryana Urban Development Authority.

...Respondent.

...

Coram: Hon'ble Mr. Justice Ashutosh Mohunta.

Hon'ble Mr. Justice S. N. Aggarwal.

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Present : Shri S. P. Laler Advocate for the petitioner.

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Judgment.

S. N. Aggarwal, J.

S. S. Sodhi, petitioner was appointed as Tractor Dozer Operator on 10.11.1971 in P.W.D.Department, Haryana. His services were transferred to Haryana Urban Development Authority,respondent with effect from 12.11.1977 on the post of Foreman. He was given current duty charge for the post of Junior Engineer vide order dated 20.6.2000 (Annexure P-1). He retired from service with effect from 31.12.2005. After his retirement, he made a representation that he should be deemed to have been promoted as Junior Engineer (Civil)

from the date when the current duty charge was given to him and that he should be paid arrears of salary and retiral benefits accordingly. Thereafter the petitioner filed the present writ petition seeking promotion on regular basis against the post of Junior Engineer from the date he was given current duty charge and further full salary in the pay scale of Junior Engineer and for payment of retiral benefits thereafter.

This submission has been considered.

It is not disputed that the petitioner was Non-Diploma Holder. He was duly informed by the respondent vide letter dated 1.3.2007 (Annexure P-4) that no post of Junior Engineer (Civil) in Non-Diploma Holder Cadre was available. He was further informed that current duty charge for the post of Junior Engineer (Civil) was assigned to him against the post of Junior Engineer (Civil) which was vacant for Diploma Holders. Since the petitioner was not eligible for being promoted as Junior Engineer (Civil) against the post of Diploma Holder, therefore, he has no claim for promotion.

Otherwise also, the petitioner was given current duty charge vide order dated 20.6.2000 (Annexure P-1) and he continued as such till his retirement on 31.12.2005. He did not lay any claim for promotion on the said post. Not only it confirms the stand of the respondent taken in the letter dated 1.3.2007 (Annexure P-4) that no post of Non-Diploma Holder Cadre was available for promotion of the petitioner but it also estops the petitioner to lay claim for promotion after six years. He remained silent for more than six years and

continued performing duties in accordance with letter dated 20.6.2000.

Accordingly, the petitioner is not entitled to any promotion against the post of Junior Engineer (Civil) nor he is entitled to any salary/retiral benefits of the post of Junior Engineer (Civil).

No merit.

Dismissed.

(S. N. Aggarwal)
Judge

July 5,2007.
Jaggi

(Ashutosh Mohunta)
Judge